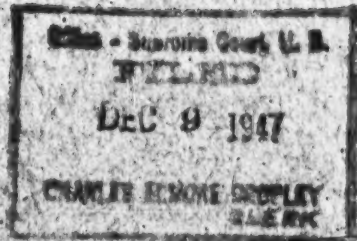


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No. 50

In the Supreme Court of the United States

OCTOBER TERM, 1947

**ROBERT E. HANNEGAN, INDIVIDUALLY AND AS POST-
MASTER GENERAL OF THE UNITED STATES, PETI-
TIONER**

v.

READ MAGAZINE, INC., ET AL.

**ON WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE DISTRICT OF COLUMBIA**

SUPPLEMENTAL MEMORANDUM FOR THE PETITIONER

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The purpose of this memorandum is to apprise the Court that on December 8, 1947, the Postmaster General issued an order (No. 36060) revoking Order No. 29273, the order involved in this case, in so far as it applies to mail and money orders addressed to "Facts Magazine; Henry Walsh Lee, Editor in Chief, Facts Magazine, and their officers and agents as such." This leaves the order in effect in so far as it extends to mail and money orders addressed to "Puzzle Contest, Facts Magazine; Contest Editor, Facts Magazine; Judith S. Johnson, Contest Editor; Miss J. S. Johnson, Contest Editor; Contest Editor."

Inasmuch as the advertisements and rules of the contest instructed prospective contestants to address mail to "Puzz'e Contest, Facts Magazine," and letters addressed to contestants were signed "Judith S. Johnson, Contest Editor," the use of the mails in connection with the fraudulent scheme can be prevented by an order prohibiting the delivery of mail so addressed. Prior to this Court's order of November 17 ordering reargument no question as to the scope of the fraud order here involved had been presented to the Postmaster General. Upon consideration of that question as a result of this Court's order, the Acting Postmaster General has concluded that the original order, which shut off all mail addressed to the magazine, its editor-in-chief, and its other officers and agents, was unduly broad.

The Order of December 8, 1947, reads as follows:

It having been made to appear to the Postmaster General that Order No. 29273, dated October 1, 1945, forbids the delivery of mail to and the cashing of money orders drawn in favor of Facts Magazine; Henry Walsh Lee, Editor in Chief, Facts Magazine, and their officers and agents as such at New York, New York, whereas in fact such names need not be included in said order to prevent the fraud, it is hereby

Ordered that Order No. 29273 be revoked insofar as it applies to Facts Magazine; Henry Walsh Lee, Editor in Chief, Facts

Magazine, and their officers and agents as such.

J. M. DONALDSON,
Acting Postmaster General.

The original Order, dated October 1, 1945, never became fully effective. It was stayed initially by the District Court on October 2, 1945 (R. 45), which stay was continued by a temporary injunction October 19, 1945 (R. 44-45) and by a permanent injunction November 27, 1945 (R. 57-58). The district court in granting a temporary injunction required that all money sent in to the respondents as qualifying fees in the Hall of Fame Puzzle Contest be impounded in the Registry of the Court *pendente lite* (R. 45). At the time the permanent injunction was entered on November 27, 1945, this impounding order was continued in effect until final disposition of any appeal (R. 56-57). Such money, which of course, was received only in mail relating to the puzzle contest, and which amounts to approximately \$51,000, is still in the Registry of the District Court. If the judgment below is reversed this money presumably will be returned to the senders. The original order of the Postmaster General has thus far had no other effect.

Respectfully submitted.

PHILIP B. PERLMAN,
Solicitor General.